

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR-21-198-RAW

JIMMY HOLMES NACE, et al,

Defendant.

**UNITED STATES' RESPONSE TO DEFENDANT'S MOTION IN LIMINE TO
EXCLUDE CHARACTER EVIDENCE: EVIDENCE OF PRIOR CONVICTION**

Comes now the United States, by and through Christopher J. Wilson, United States Attorney for the Eastern District of Oklahoma, and T. Cameron McEwen, Assistant United States Attorney, and references the Court to the United States' Notice of Other Crimes, Wrongs, and Bad Acts (Doc. #96) filed on January 24, 2022. In its Notice, the United States informed the Court and Defendant that it does *not* intend to offer any evidence of Defendant's criminal history in its case-in-chief. However, the United States may offer evidence of Defendant's criminal history to rebut any character evidence offered by Defendant pursuant to Rules 404(a) and 405(a), to impeach the Defendant in the event he testifies pursuant to Rule 609, or to otherwise rebut defensive theories advanced at trial. The United States takes the same position as to Defendant's prior substance abuse history. Therefore, the United States asks this Court to deny Defendant's Motion in Limine because it is not ripe.

Respectfully submitted,

CHRISTOPHER J. WILSON
United States Attorney

/s/ T. Cameron McEwen
T. CAMERON MCEWEN

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2022, I electronically transmitted the attached documents to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

J. Wesley Bryant, Attorney for Jimmy Holmes Nace

/s/ T. Cameron McEwen
T. CAMERON MCEWEN
Office of the United States Attorney